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September 15, 2010

Hon. Steven M. Gold, USMJ
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201
VIA ECF

Re.: Kozik et. al. v. Whitestone Construction Corp., Inc. et. al.
Docket No.: 07-cv- 4095 (FB)(SMG)

Dear Judge Gold,

I represent Plaintiffs in the above-captioned matter. This is a joint status report submitted by Plaintiffs and the Whitestone Defendants (which includes all original Defendants besides CityWide) regarding the progress of settlement discussions in this case.

Plaintiffs and the Whitestone Defendants have agreed to seek the assistance of a private mediator to resolve this case at the end of October. The parties need until the end of October to hold the mediation for a number of reasons. First, as this Court is aware from the ***Gortat v. Capala Bros.***, EDNY Doc. No. 07-cv-3629(ILG)(SMG) matter, I will be away in Poland from September 22, 2010 through October 15, 2010 to care for my elderly mother and aunt. Neal Eiseman, Esq., Whitestone Defendants' counsel, and I therefore agreed to schedule the mediation for the end of the October. Although I will be very busy caring for my mother and aunt, I will perform legal work while in Poland on a limited basis. During that time, I will work with Mr. Eisemen to limit our disputes prior to the mediation.

In addition, Whitestone Defendants' experts will also need until the end of October to review Plaintiffs' revised expert report, which includes damages calculations for the newly-added Plaintiffs. While Whitestone Defendants' experts are reviewing Plaintiffs' revised expert report, Whitestone Defendants will decide whether to depose any newly-added Plaintiffs. This process will take until the end of the October.

In the event the mediation fails to resolve this case, all Defendants (except CityWide who has agreed to a settlement in principle with Plaintiff Sochon) will file an answer by October 29, 2010. Plaintiffs will then file their motion for a collective action by November 15, 2010, at which

time the parties will submit a briefing schedule for that motion for the Court's review.

Thank you for your attention to the above.

Respectfully submitted,

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Robert Wisniewski (RW-5308)